

**REGULAR MEETING OF THE
OKLAHOMA WORKERS' COMPENSATION COMMISSION**

Thursday, April 15, 2021
1:30 p.m.
Commission Chambers, 2nd Floor
1915 N. Stiles Ave.
Oklahoma City, Oklahoma
www.wcc.ok.gov

AGENDA

CALL TO ORDER **Commissioner Liotta**

ROLL CALL **Commissioner Liotta**

Chairman Liotta will appear in person.
Commissioner Russell will appear in person.
Commissioner Tilly will appear remotely via Zoom teleconference.

Open Meeting Act Statement

THE FOLLOWING MATTERS ARE PRESENTED FOR CONSIDERATION AND VOTE TO APPROVE, DISAPPROVE, OR TAKE ANY OTHER ACTION CONSISTENT WITH THE COMMISSION'S AUTHORITY.

1. **Discussion and Possible Action on Minutes**

The drafted minutes of the March 18, 2021, Regular Meeting of the Commission will be considered for approval.

2. **Discussion and Possible Action of Consent Agenda for Travel Vouchers Currently Outstanding**

Title 85A O.S. § 23 states, [a]ny Commissioner or employee of the Commission shall be entitled to receive his or her necessary traveling expenses as provided in the State Travel Reimbursement Act. The expenses shall be certified by the person who incurred them and shall be allowed and paid on presentation of vouchers approved by the Commission.” In accordance with this section, the Commission will consider a vote to approve the currently outstanding vouchers.

All travel vouchers listed within this Consent Agenda have been made available to each Commissioner prior to today’s meeting, are considered routine, and will be enacted by one motion of the Commission. If separate discussion is desired, that item may be removed from the Consent Agenda and voted upon separately.

Possible Action:

Possible action may include, but is not limited to: taking no action; approving some, all, or none of the vouchers listed in this Consent Agenda; or continuing the matter.

3. **Request to Reduce Security Deposit for Hudiburg Auto Group, Own Risk Permit #17922**

Hudiburg Auto Group (“the Company”), own risk permit #17922, was a self-insured employer in the Own Risk program until April 1, 2020. They have petitioned the Commission to reduce the Company’s security deposit on file. The Commission currently holds a \$250,000 Letter of Credit, issued by FNB Community Bank as security deposit. They are requesting a reduction of their security deposit to \$100,000. The company currently has no open claims.

The Company has complied with Commission Rule 810:25-9-19.

Possible Action:

Possible action may include, but not limited to: continuing the matter; reducing the security deposit of Hudiburg Auto Group; or not reducing the security deposit of Hudiburg Auto Group, an own risk employer.

4. **Discussion and Possible Action on Approval of Application for Appointment as Certified Workers’ Compensation Mediator**

Title 85A O.S. § 110 requires the Commission to be responsible for certifying individuals who are eligible and qualified to serve as mediators. An individual may be certified as a mediator if the applicant meets the qualifications as required by the Commission in Section 110.

The Commission will consider the certified mediator application presented at the meeting, which has been vetted by the Legal Operations Director and recommended for approval.

Possible Action:

Possible action may include, but is not limited to: taking no action; continuing the matter; or approving some, all, or none of the recommended mediator(s).

5. **Discussion and Possible Action on proposed MITF Assessment Rate – effective July 1, 2020 through June 30, 2021 –pursuant to 85A O.S. § 31.**

The Multiple Injury Trust Fund (MITF) proposed an assessment rate in the amount of seven percent (7%) should be charged in accordance with 85A O.S. § 31 for the four-quarter period of July 1, 2020 through June 30, 2021.

Possible Action:

Possible action may include, but is not limited to: taking no action, continuing the matter, approving the 7% rate, or not approving the 7% percent rate.

6. **Discussion and Possible Action on Lease Agreement for New WCC Tulsa Office Space**

House Bill 4139 (2020) directed OMES to relocate state agencies currently housed within the Kerr Edmondson Building in Tulsa, Oklahoma, including the Workers' Compensation Commission, to a property owned by the Commissioners of the Land Office ("CLO"). CLO and OMES have determined the WCC's Tulsa office will be relocated at 201 W. 5th Street in Tulsa, Oklahoma. The Commission will discuss and consider action on a proposed Lease Agreement with CLO and OMES to occupy this office space.

Possible Action:

Possible action may include, but is not limited to: taking no action; continuing the matter; disapproving the lease agreement; approving the lease agreement and authorizing the Chairman to sign on behalf of the Commission; or approving the lease agreement with modifications as discussed, and authorizing the Chairman to sign the agreement on behalf of the Commission once modifications are made.

7. **Discussion and Possible Action on CEC Sublease for New Tulsa Office Space**

Pursuant to the agency relocation plans stemming from HB 4139 (2020), the Oklahoma Workers' Compensation Court of Existing Claims' ("CEC") Tulsa office will relocate to office space to be leased by the Commission. The Commission will discuss and consider action on a proposed Sublease Agreement with the CEC to occupy this space.

Possible Action:

Possible action may include, but is not limited to: taking no action; continuing the matter; disapproving the sublease agreement; approving the sublease agreement and authorizing the Chairman to sign on behalf of the Commission; or approving the sublease agreement with modifications as discussed, and authorizing the Chairman to sign the agreement on behalf of the Commission once modifications are made.

8. **Discussion and Possible Action on the Issuance of a Requisition against the Lease Agreement between the Commission and the Office of Management and Enterprise Services (OMES) for Fiscal Year 2022**

The Commission will discuss and consider the issuance of requisition against the existing Lease Agreement between the Commission and the Office of Management and Enterprise Services (OMES) for the 3rd Floor office space in the Denver Davison Building for FY 2022. The total annual cost of the lease is \$84,948.00. Of note, OMES confirmed the lease may be cancelled with a 30-day cancellation notice.

Possible Action:

Possible action may include, but is not limited to: taking no action, continuing the matter, approving or not approving the requisition with OMES in the amount of \$84,948.00.

9. **Discussion and Possible Action on the Issuance of a Requisition against the Lease Agreement between the Commission and the Commissioners of the Land Office for Fiscal Year 2022**

The Commission will discuss and consider the issuance of requisition to cover Year 1 of a 10-year lease between the Commission and the Commissioners of the Land Office for the Tulsa office space in the 201 Building for FY 2022. The annual total cost of the lease is \$141,009.84 (net amount to be determined based upon individual, joint, and shared lease space occupied by the Oklahoma Workers' Compensation Court of Existing Claims and the Commission).

Possible Action:

Possible action may include: taking no action, continuing the matter, approving the lease with OMES in the amount \$141,009.84 (to be determined based upon individual, joint and shared lease space occupied by the Oklahoma Workers' Compensation Court of Existing Claims and the Commission), or not approving the lease.

10. **Discussion and Possible Action on the Issuance of Requisitions against the Existing Shared Services Agreements between the Commission and the Office of Management Enterprise Services (OMES) for Fiscal Year 2022**

The Commission will discuss and consider the issuance of five (5) requisitions against the existing Shared Services Agreement with OMES for Risk Premiums and IT, HR, Finance, and Comprehensive Risk Management services for FY 2022. The total cost of the Shared Services Agreements are \$559,682.30, as detailed in the schedule below:

OMES/SHARED SERVICES AGREEMENTS	SERVICES	FY2022
Risk Management	Worker Comp, Property, Employee/Commissioners, Tort and Vehicle	\$ 16,299.50
Information Services Division (ISD)	IT Services	\$ 256,062.80
HR Services	Payroll and Benefits Processing	\$ 24,600.00
ABS Financial Services	Financial Services	\$ 12,720.00
Comprehensive Risk Management and Insurance	Management and Insurance Consulting	\$ 250,000.00
TOTAL		\$ 559,682.30

The Agreements were signed 9/20/16 and continue until such time as modified or terminated.

Possible Action:

Possible action may include: taking no action, continuing the matter, approving or not approving the five (5) requisitions with OMES for FY 2022 and encumbering funds in the amount of 559,682.30.

11. **Discussion and Possible Action on the Issuance of a Requisition against the Existing Contract between the Commission and the Self-insurance Guaranty Fund Board for Fiscal Year 2021**

Under 85A O.S. § 99 the Commission may contract with an appropriate state governmental entity, as approved by the Commission, to process, investigate, and pay valid workers' compensation claims for those self-insured companies that have become financially impaired and have monies from released securities contained in Fund 701 for that purpose.

The Commission will discuss and consider the issuance of a requisition with the Self-insurance Guaranty Fund Board in the amount of \$30,880.00 for workers' compensation claims administration services dealing with the securities posted by self-insurers and released for the payments of the self-insurer's workers' compensation obligations out of Fund 701.

Possible Action:

Possible action may include: taking no action, continuing the matter, approving or not approving the requisition with the Self-insurance Guaranty Fund Board in the amount of \$30,880.00 for FY 2022.

12. **Discussion and Possible Action on the Issuance of a Requisition against the Sole Source Contract between the Commission and Insurance Services Office (ISO) for FY 2022**

The Commission will discuss and consider the issuance of a requisition against the sole source contract with ISO for EDI maintenance services through VERISK for FY 2022. The cost of the contract is \$68,850.00.

Possible Action:

Possible action may include, but is not limited to: taking no action, continuing the matter, approving or not approving the requisition with ISO, in the amount of \$68,850.00.

13. **Discussion and Possible Action on the Issuance of a Requisition against the Existing State Contract between the Commission and West Publishing Corporation for FY 2022**

The Commission will discuss and consider the issuance of a requisition against the existing state contract between the Commission and West Publishing Corporation to cover online subscriptions to WestLaw and CLEAR services for FY 2022. The annual cost of the contract is \$19,314.00.

Possible Action:

Possible action may include: taking no action, continuing the matter, approving or not approving the requisition in the amount of \$19,314.00.

14. **Discussion and Possible Action on the Issuance of a Requisition against the Memorandum of Understanding (MOU) between the Commission and Self-Insurance Guaranty Fund (SIGF) Board for Fiscal Year 2022**

The MOU establishes the financial services performed by the Commission's Chief Financial Officer for the SIGF Board and the Board's payment for the Commission's costs in providing such services. The Commission will discuss and consider the issuance of a requisition in the amount of \$5,000.00 to provide financial services to the SIGF Board during FY 2022.

Possible Action:

Possible action may include: taking no action, continuing the matter, approving or not approving the requisition in the amount of \$5,000.00 for the Commission to provide financial services to the Self-Insurance Guaranty Fund Board for FY 2022.

15. **Discussion and Possible Action on of Issuance of a Requisition against the Existing 20i Contract between the Commission and the Office of the Oklahoma Attorney General for Fiscal Year 2021**

The Commission will discuss and consider issuance of a requisition against the existing 20i contract engaging the legal services of the Office of the Oklahoma Attorney General for FY 2022. The cost of the contract is \$52,749.96.

Possible Action:

Possible action may include: taking no action, continuing the matter, approving or not approving the requisition with the Office of the Oklahoma Attorney General in the amount of \$52,749.96.

16. **Discussion and Possible Action on the Issuance of a Requisition against the Existing Statement of Work (SOW) between the Commission and the Office of Management Enterprise Services/ISD for Fiscal Year 2021**

The Commission will discuss and consider issuance of a requisition against the Existing Statement of Work (SOW) between the Commission and the Office of Management and Enterprise Services/ISD to continue IT project oversight during the development, design, and deployment of the CaseOK System by the IT contractor, Objectstream, for FY 2022. The annual cost of the SOW is \$7,200.00.

Possible Action:

Possible action may include: taking no action, continuing the matter, approving or not approving the requisition with the Office of Management Enterprise Services/ISD in the amount of \$7,200.00.

17. Discussion and Possible Action on the Issuance of a Requisition against the Existing State Contract between the Commission and Standley Systems for Fiscal Year 2021

The Commission will discuss and consider the issuance of requisitions against the existing state contract for lease, toner, and maintenance of nine (9) copiers for FY 2022. The total annual cost of the nine contracts is \$28,240.00, as detailed in the following schedule:

STANDLEY SYSTEMS	FY2022
Records B/W Copier - Basement	\$ 5,225.00
Records Public B/W Coper - Basement	\$ 2,655.00
Compliance Color Copier – 2 nd Floor	\$ 1,900.00
Docketing B/W Copier – 2 nd Floor	\$ 5,230.00
Administration Color Copier – 3 rd Floor	\$ 6,705.00
CFO B/W Copier	\$ 775.00
Library B/W Copier – 2 nd Floor	\$ 2,000.00
Permitting B/W Copier – 2 nd Floor	\$ 2,600.00
Tulsa Main B/W Copier	\$ 1,150.00
TOTAL	\$ 28,240.00

Possible Action:

Possible action may include: taking no action, continuing the matter, approving or not approving the nine (9) requisitions with Standley Systems in the amount of \$28,240.00.

18. Discussion and Possible Action on the Issuance of a Requisition against the Existing 5-year Contract between the Commission and R&R Express for Courier Services between the Oklahoma City and Tulsa Offices for Fiscal Year 2022

The Commission will discuss and consider the issuance of a requisition covering Year 3 of a 5-year contract between the Commission and R&R Express to provide courier services between the Oklahoma City and Tulsa offices for FY22. The total cost of the contract is \$17,370.00.

Possible Action:

Possible action may include, but is not limited to: taking no action, continuing the matter, approving or not approving the issuance of the requisition with R&R Express, in the amount of \$17,370.00.

19. Discussion and Possible Action on the Issuance of a Requisition against the Sole Source Contract between the Commission and Applied Computer Systems, Inc. for FY 2022

The Commission will discuss and consider the issuance of a requisition against the sole source contract with Applied Computer Systems, Inc. for maintenance of the WCIS Data System for FY 2022. The requisition is subject to cancellation after start-up and successful operation of the CaseOK Data System. The annual cost of the service is \$91,851.60.

Possible Action:

Possible action may include: taking no action, continuing the matter, approving or not approving the requisition with Applied Computer Systems, Inc. in the amount of \$91,851.60.

20. Discussion and Possible Action on the Issuance of a Requisition against the Existing State Contract between the Commission and Quadient Leasing (formerly MailFinance) for Fiscal Year 2022

The Commission will discuss and consider the issuance of three (3) requisitions against the existing state contract with Quadient Leasing for lease and maintenance of the mail folding/inserter and postage meter equipment in the Oklahoma City and Tulsa offices for FY 2022. The cost of each requisition is detailed below and the total cost of the three (3) leases is \$9,077.28.

QUADIENT	LEASED EQUIPMENT	FY2022
Tulsa	Posage Meter	\$ 1,352.88
Oklahoma City	Posage Meter	\$ 4,236.60
Oklahoma City	Folder/Mail Inserter	\$ 3,487.80
TOTAL		\$ 9,077.28

Possible Action:

Possible action may include: taking no action, continuing the matter, approving or not approving the requisition with Quadient Leasing, Inc. in the amount of \$9,077.28.

21. Discussion and Possible Action on the Issuance of a Requisition against the Existing State Contract between the Commission and Bank of America for Fiscal Year 2022

The Commission will discuss and consider the issuance of a requisition against the existing state contract with Bank of America to cover credit card and applicable service fees for FY 2022. The cost of the contract is \$19,330.00.

Possible Action:

Possible action may include: taking no action, continuing the matter, approving or not approving the requisition with Bank of America in the amount of \$19,330.00.

22. Discussion and Possible Action on of Issuing Authority Orders for P-Card and Postal Services Purchases for Fiscal Year 2022

The Commission will discuss and consider issuance of three (3) Authority Orders to cover general purchases for FY 2022, as detailed in the following schedule:

AUTHORITY ORDERS	PURPOSE	FY2022
P-CARD	Office Supplies and General Purchases	\$ 60,000.00
P-CARD IT	IT Purchases	\$ 15,000.00
United States Postal Service	Postage	\$ 50,000.00
TOTAL		\$ 125,000.00

Possible Action:

Possible action may include: taking no action, continuing the matter, approving or not approving the requisitions to issue Authority Orders as detailed in the schedule above.

23. Discussion and Possible Action on the Issuance of a Requisition against the Existing 5-Year Contract Between the Commission and Lowery & Associates for FY 2022

The Commission will discuss and consider the issuance of a requisition to cover Year 2 of a 5-year contract between the Commission and Lowery & Associates for court reporting services in the Oklahoma City and Tulsa Offices during FY 2022. The cost of the contract is \$61,000.00.

Possible Action:

Possible action may include: taking no action, continuing the matter, approving or not approving the requisition in the amount of \$61,000.00.

24. Discussion and Possible Action on 95% Plans, Specifications, and Cost Estimate from Cyntergy regarding the Denver N. Davison Building Renovation

Cyntergy has submitted a 95% design and cost proposal for the partial first and second floor office renovations in the Denver N. Davison Building. The Commission will discuss and consider action on the proposal.

Possible Action:

Possible action may include, but is not limited to: taking no action; continuing the matter; disapproving the proposal; approving the proposal and authorizing the Chairman to proceed with remodel plans; or approving the proposal with modifications as discussed and authorizing the Chairman to proceed with remodel plans.

25. **Discussion and Possible Action Regarding Operation of the Workers' Compensation Commission and Agency Concerns Related to COVID-19, including the Agency's Mask Policy and Other Health and Safety Procedures**

Possible Action:

Possible action may include, but is not limited to: taking no action, continuing the matter, approving a plan(s) regarding operations of the Workers' Compensation Commission in response to the threat of COVID-19.

26. **New Business**

“[A]ny matter not known about or which could not have been reasonably foreseen prior to the time of the posting.” 25 O.S. § 311.

27. **Announcements**

The Commission's next regular appeals meeting is on Friday, April 16, 2021. The Commission's next dual SIGFB meeting is on Wednesday, April 21, 2021. The Commission's next dual advisory meeting is on Thursday May 6, 2021. The Commission's next regular business meeting is on Thursday, May 20, 2021.

ADJOURNMENT.....Chairman Liotta